

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK
SYRACUSE DIVISION

LORILLARD TOBACCO COMPANY,
a Delaware corporation,

Plaintiff,

Civil Action No. 5:13-CV-1046
(GLS/TWD)

v.

STIPULATED ORDER OF
PERMANENT INJUNCTION AND
DISMISSAL WITH PREJUDICE

RANIA SHEHADEH, an individual, d/b/a
BEST YET MARKET

Defendant.

The Court upon reading the following stipulation and agreement between Plaintiff Lorillard Tobacco Company ("Lorillard") and Rania Shehadeh d/b/a Best Yet Market ("Defendant"), pursuant to Rule 65 of the Federal Rules of Civil Procedure orders as follows:

Lorillard has the right to enforce federal trademark registrations for the marks NEWPORT® (stylized) (Reg. No. 2,600,870), Spinnaker Design® (Reg. No. 1,178,413), Design Only® (Reg. No. 3,618,542), LORILLARD® (Reg. No. 1,920,066), Lorillard® (stylized) (Reg. No. 0,707,998), Newport Box with Striations® (Reg. No. 3,759,763), and NEWPORT® (Reg. No. 1,108,876) (collectively, the "Lorillard Marks"), in connection with the sale, offering for sale, and/or distribution of cigarettes within the United States. With regard to the Lorillard Marks, Defendant has agreed to the entry of a permanent injunction as follows:

IT IS HEREBY ORDERED that Defendant and any of its officers, agents, servants, employees, and attorneys, and those persons in active concert or participation with them who receive actual notice of this Order by personal service or otherwise, are hereby enjoined and restrained, from the date of this Order, from directly or indirectly:

- (1) using any reproduction, counterfeit, copy, or colorable imitation of the Lorillard Marks in connection with the importation, sale, offering for sale, or distribution of cigarettes in the United States;
- (2) using the Lorillard Marks or any reproduction, counterfeit, copy, or colorable imitation of the same in any manner likely to cause others to believe the Defendant's products are connected with Lorillard or are genuine Lorillard products if they are not;
- (3) passing off, including, or enabling others to sell or pass off any merchandise which is not genuine Lorillard merchandise as and for genuine Lorillard merchandise;
- (4) making any false or misleading statements regarding Lorillard or its respective goods, or the relationship between Lorillard, on the one hand, and Defendant, on the other hand;
- (5) committing any other acts calculated to cause purchasers to believe that Defendant's products are Lorillard's products if they are not;
- (6) importing, shipping, delivering, distributing, holding for sale, returning, transferring, or otherwise moving or disposing of in any manner such cigarettes falsely bearing one or more of the Lorillard Marks or any reproduction, counterfeit, copy, or colorable imitation of the same;
- (7) other than an agreement of Lorillard, or an order of this Court, moving, destroying, or otherwise disposing of any goods, boxes, labels, packaging or other items or documents bearing any reproduction, counterfeit, or imitation of the Lorillard Marks, or removing, destroying or otherwise disposing of any business records or documents relating in any way to the manufacture, importation, acquisition, purchase, distribution, or sale of goods or merchandise bearing any of the Lorillard Marks or any reproduction, counterfeit, or imitation thereof; and

(8) assisting, aiding, or abetting any other person or business entity in engaging in or performing any of the activities referred to in the above paragraphs (1) through (7).

IT IS FURTHER ORDERED that this case is hereby dismissed with prejudice and without costs to either party.

May 2, 2014
DATE

David L. Sharpe
UNITED STATES DISTRICT COURT JUDGE

Stipulation:


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